

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, April 8, 2015

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will, after a brief public opening hold a **CLOSED MEETING** on Wednesday, April 8, 2015 at 6:30pm and a **PUBLIC MEETING** on Wednesday, April 8, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

### **Closed Meeting 6:30 PM**

A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

### **Regular Meeting 7:00 p.m.**

1. Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonights Agenda
  - b. Meeting minutes of March 25, 2015.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Eagle Scout project, CCC Camp
  - b. Eagle Scout project, Cemetery
7. Public Hearings:
8. Action Items:
  - a. Discussion and possible action regarding adoption of Ordinance 2015-02, Land Use Ordinance Chapter 20, Hillside Protection Overlay Zone
9. Discussion Items:
  - a. Leeds Monument Sign, Don Fawson
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

### **11. Staff Reports**

A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

### **12. Adjournment**

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted April 7, 2015 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website [www.leadstown.org](http://www.leadstown.org).**



Kristi Barker, Deputy Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for March 25, 2015

1. Call to order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on March 25, 2015, at Leeds Town Hall, 218 N Main.

2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: JOE ALLEN		x
COUNCILMEMBER: NATE BLAKE	x	

3. Pledge of Allegiance by Mayor Peterson.

4. Declaration of Abstentions or Conflicts: None.

5. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes of March 11, 2015. 2<sup>nd</sup> by Councilmember Blake. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: JOE ALLEN				x
COUNCILMEMBER: NATE BLAKE	x			

6. Citizen Comments: None.

7. Announcements:

a. Easter Egg Hunt at the Town Park, Saturday April 4<sup>th</sup>, 2015 at 9:00am

Mayor Peterson announced the Easter Egg Hunt will be at 9:00am on April 4<sup>th</sup> at the Town Park.

Councilmember Allen arrived at 7:04pm

8. Public Hearings: None.

9. Action Items: None

10. Discussion Items:

a. Archival training follow-up

Mayor Peterson on Friday March 13<sup>th</sup>, I attended archive training with the Deputy Clerk/Recorder and Clerk/Recorder at Dixie State University. Some of the highlights of the training were to be mindful of the environment which records are stored and how to index and organize records.

Councilmembers discussed record keeping further.

b. Final printing of current zoning map

Mayor Peterson indicated there is a change that still needs to be made on the Zoning Map for Millennia Investment Corp's property. It currently shows a zoning of RR1 and RR2; however, when the property was annexed into the Town, the development agreement indicated R-1-20 (20,000. square foot lots) and R-1-20-L-15 (17,000. square foot lots).

Councilmembers discussed the zoning map and Mayor Peterson asked Councilmembers to review the map for any additional changes that need to be made before the map is finalized and then printed.

11. Citizen Comments:

12. Staff Reports:

Councilmember Blake, I got a comment from my neighbor. He was wondering if the Town was going to maintain the weeds and gravel on Cherry Lane between his house and mine.

Councilmembers discussed Cherry Lane and who owns the property above the road.

Mayor Peterson will let Antonio know about the weeds for the next time he is out spraying.

Mayor Peterson, the Town Park restrooms are fully functioning; although, additional work is still being done. I will work on getting permission from UDOT for posting directional signs to the restrooms.

Councilmember Rohr, I have received a complaint and a comment. The Complaint was about the Park lights being on all night and it was suggested that the bathroom should be locked at night. Councilmembers discussed it further and no changes were made.

Councilmember Rohr, there was a presentation last week about suicide. Spring is the highest rated time and Utah is 5<sup>th</sup> in the nation for teen suicides, and is also high for adults. This mental health group is willing to do a presentation to anyone who invites them and I was wondering if that might be a good idea to schedule a presentation.

Councilmembers discussed it further and will keep it in mind.

Mayor Peterson, there is going to be an Arbor Day recognition luncheon on Tuesday April 7<sup>th</sup>. If anyone wants to attend, please let me know.

Councilmember Rohr, I went last year and it was a really nice event.

Mayor Peterson there is a workshop in the morning that Antonio will attend. It is about tree maintenance and care and he expressed interest in that.

13. Adjournment:

Councilmember Allen adjourned the meeting.

Time: 7:36pm.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor Wayne Peterson

ATTEST:

\_\_\_\_\_  
Kristi Barker, Deputy Clerk/Recorder

DRAFT

**TOWN OF LEEDS  
ORDINANCE NUMBER 2015-02**

**Amended and Restated Sign Ordinance  
Chapter 20 of the Land Use Ordinance**

AN ORDINANCE AMENDING THE HILLSIDE PROTECTION OVERLAY ZONE (CHAPTER 20) OF THE LEEDS, UTAH, LAND USE ORDINANCE 2008-04

**WHEREAS**, the Town Council has reviewed Chapter 20 (Hillside Protection Overlay Zone) of the Town of Leeds, Utah, Land Use Ordinance 2008-04 and determined that it is advisable, and in the best interests of the Town and its residents, to revise and amend the provision of such chapter of the Leeds, Utah, Land Use Ordinance 2008-04; and

**WHEREAS**, the Planning Commission of the Town of Leeds has held a Public Hearing on the 6<sup>th</sup> day of August, 2014; and discussed the amendments to the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone); and

**WHEREAS**, the Planning Commission recommended to the Town Council approval of the amendments to the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone), on the 3<sup>rd</sup> day of September, 2014.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT THE SIGN ORDINANCE, TO BE CODIFIED AS CHAPTER 22 OF THE LAND USE ORDINANCE IS HEREBY AMENDED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AS SET FORTH ON THE ATTACHMENT HERETO.**

The remaining sections of the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone) not affected by this Ordinance remain unchanged.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

**ORDINANCE 2015-02-** was adopted on \_\_\_\_\_, 2015 and became effective on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Signed: \_\_\_\_\_  
Mayor, Wayne Peterson

Attest: \_\_\_\_\_  
Deputy Clerk/Recorder, Kristi Barker

# LAND USE ORDINANCE 2008-04

## CHAPTER 20

### HILLSIDE PROTECTION OVERLAY ZONE (HPO)

Amended by Ordinance 20154-xx

#### 20.1. PURPOSE AND INTENT.

The purpose of the Hillside Protection Overlay Zone is to protect the health, safety, and general welfare of the residents of the Town of Leeds by establishing procedures for the development of sensitive hillsides within the Town. The standards set forth herein are intended to: 1) minimize adverse soils and slope instability; 2) decrease potential erosion; and 3) reduce the adverse affects of grading and cut and fill operations. These procedures are also intended to preserve the natural character of hillsides and encourage development that is in harmony with the aesthetics and character of the Town. ~~These standards shall apply to all zoning districts listed in Chapter 12 of this Ordinance and not as a separate zone. These standards shall especially apply to development of land locations having sloping terrain of 20 percent or more, and shall also apply where slopes are less than 20 percent if after recommendation by the Planning Commission, the Town Council considers it is warranted. There shall be no development of land having a slope of thirty (30) percent or more, except that the Town Council, after considering the recommendation of the Planning Commission, may allow the development of public streets and / or utility lines on slopes of 30% or more where the Town Council finds that:~~

- ~~1. other reasonable locations or design alternatives do not exist, and~~
- ~~2. The public road or utility line provides a significant public benefit accruing primarily to existing residences not associated with any proposed or potential new subdivision, and~~
- ~~3. The road or utility alignment is deemed to be safe, and~~
- ~~4. The road or utility alignment promotes the Town's general health, safety, and welfare.~~

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#### 20.1.1. The provisions herein are intended to achieve the following:

- 20.1.1.1. To preserve the most visually significant slope banks and ridge lines in their natural state by clustering development into meaningful neighborhood units.
- 20.1.1.2. To encourage the location, design and development of building sites which provide maximum safety and human enjoyment, while adapting the development to the natural terrain.
- 20.1.1.3. To minimize the effects of grading and ensure that the natural character of the hillside is retained. In addition, to minimize the scarring and erosion affect of cutting, filling, and other development activities on hillsides.

- 20.1.1.4. To preserve -visually significant rock out-croppings, native plant materials, natural hydrology, and areas of historical or visual significance.
- 20.1.1.5. To encourage development that is designed to include the natural landscape as a major part of the site, thereby achieving a feeling of continuity throughout the project area.
- 20.1.1.6. To preserve views of significant visual features as viewed both within the hillside community as well as outside the hillside community.
- 20.1.1.7. To discourage mass grading of large pads and excessive terracing.
- 20.1.1.8. To prohibit activities and uses that would result in the degradation of fragile soils and steep slopes.
- 20.1.1.9. To prevent damage to lower property no cut or fill operations is allowed within twenty (20) feet of the edge of a hillside or within any area where material may slide over the hillside, which ever is the greater distance.

## 20.2. APPLICABILITY AND SPECIAL EXCEPTION.

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This Chapter shall apply to all zoning districts listed in Chapter 12 of this Ordinance and not as a separate zone. This Chapter shall especially apply to development of land locations having sloping terrain of twenty percent or more (> 20%), and shall also apply where slopes are less than twenty percent (< 20%) if after recommendation by the Planning Commission, the Town Council considers it is warranted in order to meet the enumerated purpose and intent of this Chapter. There shall be no development of any kind on land having a slope of thirty percent or more (> 30%). ~~Slope percentages shall be calculated by [INSERT CALCULATION CRITERIA].~~ Despite the prohibition of any development on land having a slope of thirty percent or more (> 30%), a special exception is granted only with regard to the development of Silver Pointe Subdivision, Phase 2 an alternate to Silver Reef Road as an access, to allow the construction and development of an access road, ~~known as Coolidge Road, for such subdivision as addressed in the Annexation Agreement dated [INSERT DATE] originating near the Silver Reef Catholic Cemetery.~~ Such special exception shall apply only to the development and construction of the proposed Coolidge Road as set forth and delineated on the preliminary plat for such subdivision, as attached hereto as Exhibit A, and continuing through the land covered by and roughly within the easement described in the agreement dated January 26, 2011, between BC&P, LC and Silver Reef Investment Holdings, LLC, attached hereto as Exhibit AB. Despite this special exception, the construction and development of Coolidge Road this access road shall be done strictly in accordance with all other the terms of this Chapter and all other applicable ordinances, standards and specifications.

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## **20.32. OVERLAY ZONE.**

The Hillside Protection Overlay Zone established by this Chapter shall overlay the existing zoning classifications listed in the Land Use Ordinance. In cases of conflict between the provisions of this Chapter, other zoning classifications, the Uniform Building Code, or the Town of Leeds Subdivision Ordinance, the most restrictive provisions shall apply.

## **20.43. MAPS.**

Zoning maps for the Town of Leeds may not show all the areas where the Hillside Protection Overlay Zone Ordinance applies. In absence of a map concerning a particular area, land with slopes of eleven degrees (11°) or twenty-percent (20%) or steeper shall be specifically applicable. However, this Ordinance applies to all areas of the Town of Leeds. If developers or property owners are unsure whether the Ordinance applies, they may hire a surveyor to make that determination.

## **20.54. APPLICATION PROCEDURE.**

**20.54.1.** All application procedures described in this Ordinance, the Leeds Town sSubdivision Ordinance for subdivision plats, and all other applicable Leeds Town ordinances shall be adhered to as described in the underlying zoning district.

**20.54.2.** In addition, any application for a use in the Hillside Protection Overlay Zone shall include a conceptual plan of the proposed development that shall include the following:

**20.54.2.1.** The type and nature of the development.

**20.54.2.2.** The goals and objectives of the developer.

**20.54.2.3.** The development's relation to the compatibility with the Town of Leeds General Plan.

**20.54.2.4.** The required reports described in Section 20.65. below. The conceptual plan shall be reviewed by the Planning Commission and the Town Council. The review may determine the extent of required plans necessary to meet the intent of this Ordinance. The review may also establish conditions for the approval based on the findings of such reports. These conditions shall become a part of the record and be considered binding upon the applicant as part of an approved plan.

## **20.65. REQUIRED REPORTS.**

The following described reports may be required by the Planning Commission or Town Council. The extent of such reports shall be determined by the Planning Commission or the Town Council after consideration of the purpose and intent of this Chapter in relation to the proposed development.

**20.65.1. General Information.**

**20.65.1.1.** Name, address, and telephone number of applicant.

**20.65.1.2.** Name, addresses, and telephone numbers of the person(s) responsible for the preparation of any required reports.

**20.65.1.3.** Date of application.

**20.65.1.4.** A vicinity map showing the location of the site in relationship to the surrounding area's watercourse, hillsides, prominent geographic features, roads, and other significant structures.

**20.65.1.5.** Boundary lines of the site and development to be made thereon.

**20.65.1.6.** Signatures of the owners of the site or of an authorized representative.

**20.65.2. Technical Reports.**

**20.65.2.1. Grading Plan.**

The grading plan shall show the existing and proposed contours and cross-sections. Accurate contours showing the topography of the existing ground extending at least one hundred (100) feet outside all boundary lines of the site, or significant to show on the off-site drainage, shall also be included.

**20.65.2.2. Drainage Plan.**

The drainage plan shall show all surface and subsurface drainage systems and facilities, walls, curbing or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area to be served by any drainage systems or facilities.

**20.65.2.3. Facilities Map.**

This map shall show any existing and proposed buildings or structures, easements and drainage channels on the property where the work is to be performed. In addition, the locations of any

buildings or structures on adjacent property that may be affected by grading operations shall be shown.

**20.65.2.4. Soils Report.**

The soils report shall be prepared by an engineering geologist and/or geo-technical engineer. The report shall include at least the following:

**20.65.2.4.1. Slope stability analysis:** conclusions and recommendations concerning the effects of material removal, introduction of water, ground shaking, and erosion on slope stability.

**20.65.2.4.2. Foundation Investigation:** Conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including bearing capacity, shear strength, and shrink-swell potential of soils on the site.

**20.65.2.4.3.** The location and yield of springs and seeps on the site, evaluation of soil permeability for septic systems if proposed for use.

**20.65.2.4.4.** Conclusions and recommendations regarding means to increase safety during and after construction and means to minimize adverse effects to property.

**20.65.2.5. Geology Report.**

The geology report shall be prepared by a qualified geologist or geo-technical engineer and shall contain at least the following:

**20.65.2.5.1.** Location and size of the subject area and its general setting, noting any aquifers, shale units, and poorly consolidated materials.

**20.65.2.5.2.** Structural features including any geological limitations.

**20.65.2.5.3.** Existence of surface hazards including potential for rock falls and toppling failures in cliffs, slopes, and overhangs above the subject property.

**20.65.2.5.4.** Conclusions and recommendations regarding the effects of geologic conditions on the proposed development, recommendations identifying the means proposed to minimize any hazard to life or property, or any adverse impact on the natural environment.

**20.65.2.6. Vegetation Report.**

A vegetation plan and report shall be prepared by a qualified landscape architect who, by training and experience, has expert knowledge of the subject. The report shall include a plan of any proposed re-vegetation of the site or modifications to existing vegetation, and a plan for the preservation of existing vegetation during construction activities.

**20.65.2.7. Other Reports.**

Other reports deemed necessary by the Planning Commission or the Town Council to assure the health, safety, and welfare of the project residents or general public may be requested from the applicant by written specification. Such reports shall be submitted with other application materials.

**20.766. APPROVAL REQUIRED BEFORE EXCAVATION.**

It shall be unlawful to excavate or grade any area within the Hillside Protection Overlay Zone prior to the final approval of the conceptual plan by the Town Council. In addition to the penalties outlined in Section 1.13 of this Ordinance, the Town of Leeds may enter legal proceedings to require any person who violates this Section to return a site to the condition found prior to any disturbance.

**20.87. BONDING.**

The Planning Commission and Town Council will require the applicant to post a suitable bond to ensure project completion according to approved plans and completion of re-vegetation projects, the stabilization of a grading site, cuts, and fills, the construction of storm water drainage facilities, or other hazard mitigation measures required in the approval of an application. Such bonds shall comply with the provisions outlined in the Town of Leeds Subdivision Ordinance. If the applicant is a state entity, the bond shall be filed to the Town by the subcontractors.

**20.98. APPEALS.**

**20.98.1.** In the event of a disagreement with the requirements imposed by an officer of the Town of Leeds in connection with this Chapter, an applicant may appeal the matter to the Board of Adjustment by filing a notice of appeal at the Town Office within ten (10) working days of the decision of the Town. Such appeal shall be scheduled for review by the Board of Adjustment.

**20.98.2.** The Board of Adjustment may uphold, modify or rescind any requirements imposed by the Planning Commission or the Town Council, but must ensure that the purposes of this Chapter are met.

**20.98.3.** Any further appeals must be made through the court system.

**20.109. DEVELOPMENTS OF RECORDS.**

The requirements of this Chapter shall not apply to developments or subdivisions that were approved prior to January 1, 1999.

# Exhibit A

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## AGREEMENT

This agreement, dated January 26, 2011, is between **BC&P, LC** (BC&P) and **Silver Reef Investment Holdings, LLC**. (SRIH).

Angel Springs Special Service District (Angel Springs) mistakenly built their water tank on property owned by SRIH located in the Town of Leeds. Angel Springs has requested that SRIH sell them approximately one half acre parcel of land that their water tank is located on. SRIH has agreed to deed Angel Springs the water tank parcel in exchange for a Road Easement across property owned by BC&P. (See attached map)

BC&P has agreed with SRIH to deed said Road Easement to the Town of Leeds in exchange for SRIH deeding the water tank parcel to Angel Springs with the condition that BC&P or their assigns have the right to relocate the Road Easement location provided Grantor or their assigns shall provide an equally adequate roadway dedication of easement across the subject property to maintain the intended access to the south boundary of the Silver Pointe Estates annexation at the point at which it is now connected as shown on the original easement.

APPROVED:

BC&P, LC

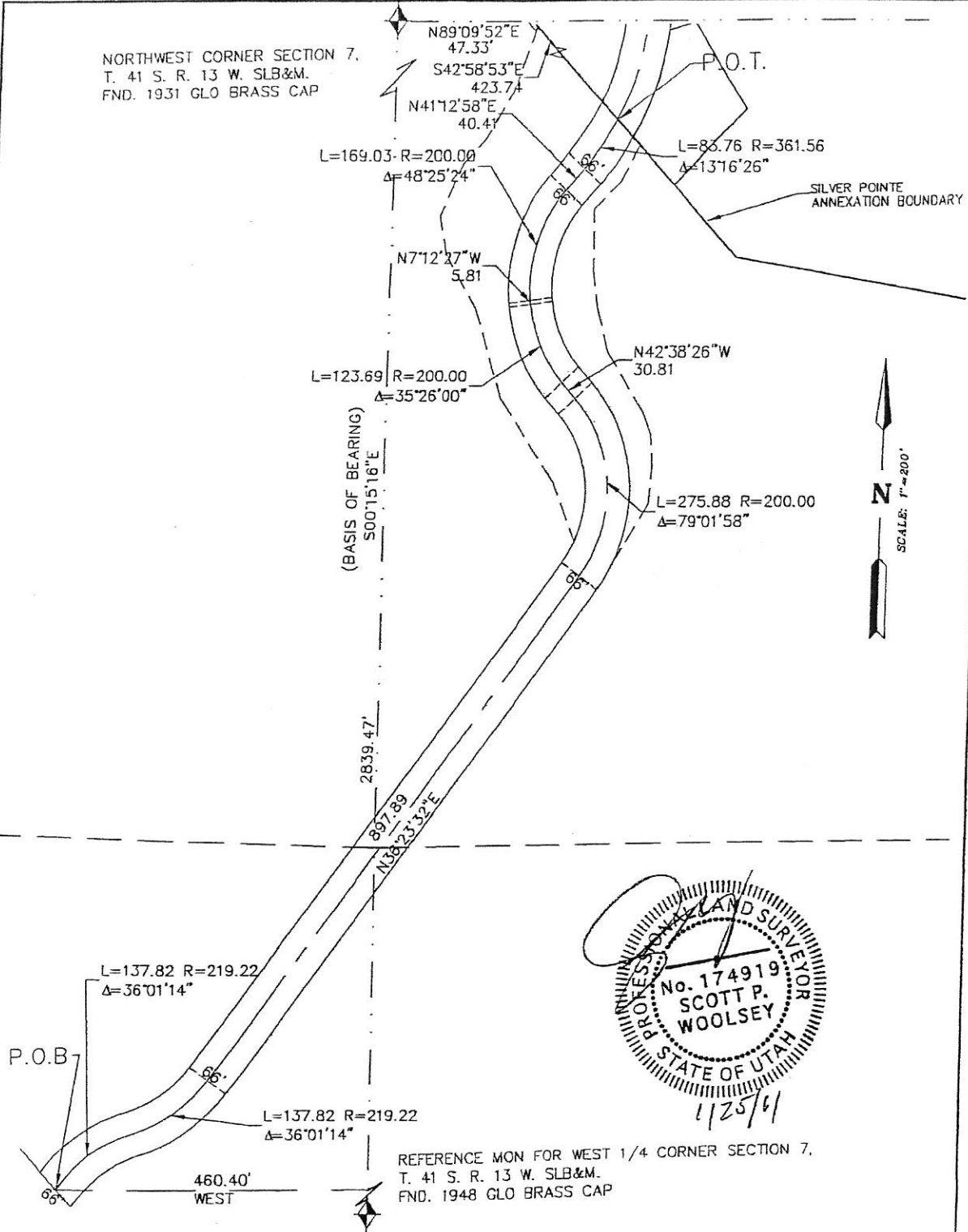
Silver Reef Investment Holdings, LLC

By: J. Gordon Casey  
J. Gordon Casey  
member

By: Rick Sant  
Rick Sant, Member

# Exhibit A

NORTHWEST CORNER SECTION 7,  
T. 41 S. R. 13 W. SLB&M.  
FND. 1931 GLO BRASS CAP



66' RIGHT OF WAY ACROSS  
BC&P LC. PROPERTY  
EXHIBIT B

**ALPHA**  
ENGINEERING COMPANY  
43 SOUTH 100 EAST, ST. GEORGE, UT 84770  
TEL: 435-628-6500 FAX: 435-628-6553

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